

AMENDMENT TO THE DRAWINGS

5 The attached sheet of drawing includes changes to Fig. 19. This sheet, replaces the original sheet containing Fig. 19. In Fig. 19, a legend – PRIOR ART -- has been added.

Attachment: Replacement Set of Drawings (1 sheet)

REMARKS

This reply is fully responsive to the Office Action dated 20 MAR 2007, and is filed within six - (6) months following the mailing date of the Office Action. The Commissioner is authorized to treat this response as including a petition to extend the
5 time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The method of payment and fees for petition fee due in connection therewith are enclosed.

Disclosure/Claims Status Summary:

10 Claims 1 to 17 are pending in the application.

The drawings are objected to as failing to comply with 37 C.F.R. §1.84.

The disclosure is objected to because of informalities.

15

Claims 4, 5, 10, 11, 14, and 17 are objected to because of informalities.

Claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg in view of U.S. Patent 4,425,981 to Kiesewetter et al
20 (hereinafter "Kiesewetter").

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as modified as applied to claim 1 above), and further in view of obvious common knowledge.

25

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as modified as applied to claim 1 above), and further in view of U.S. Patent Application Publication 2001/0003399 A1 to Kitagawa.

Claim 5 is canceled without prejudice to applicant's rights or creation of an estoppel in preventing Applicant from arguing allowability of the canceled claim in the future, including in further off-spring applications.

5 Claims 6-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as twice modified, as applied to claim 5 above), and further in view of obvious common knowledge.

10 Claim 6 has been canceled without prejudice to applicant's rights or creation of an estoppel in preventing Applicant from arguing allowability of the canceled claim in the future, including in further off-spring applications.

15 Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as modified as applied to claim 1 above), and further in view of Japan Patent JP 62-184947 to Eiji.

20 Claims 10-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as modified as applied to claim 1 above), and further in view of U.S. Patent Application Publication 2002/0182399 A1 to Tokoro et al (hereinafter "Tokoro").

25 Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as twice modified as applied to claim 10 above), and further in view of obvious common knowledge.

 Claims 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as twice modified as applied to claim 10 above), and further in view of U.S. Patent 2,709,105 to Kramer.

Claims 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as twice modified as applied to claim 10 above), and further in view of U.S. Patent 2,709,105 to Kramer and U.S. Patent 3,387,315 to Stata.

5 **Objection to the Drawings:**

The drawings are objected to as failing to comply with 37 C.F.R. §1.84.

The Office Action stated, "Figure 19 should be designated by a legend such as – Prior Art – because only that which is old is illustrated.

10 Applicants have corrected this obvious clerical oversight by amending the drawing by the addition of the legend – PRIOR ART – to FIG. 19, which is attached. No new subject matter has been added.

Hence, it is respectfully submitted that FIG. 19 is now in full compliance with 37
15 C.F.R. §1.84.

Accordingly, it is respectfully requested that the objection to the drawing FIG. 19 be withdrawn.

20 **Objection to the Disclosure:**

The disclosure was objected to by the Office Action because of the following informalities:

The Office Action stated:

a. "Paragraph 4, line 3, 'In FIG. 16 are shown energy absorbing bodies 91-94
25 disclosed in the publication' is confusing because there is no Figure 16 in JP 2002 331895 and there are no reference numbers 91-94 in the reference."

Applicants have amended paragraph 4 by replacing this paragraph with a corrected replacement paragraph.

Hence, it is respectfully submitted that paragraph 4 of the disclosure no longer contains objectionable subject that may be construed as confusing.

5 Accordingly, it is respectfully requested that the objection to the paragraph 4 of the disclosure be withdrawn.

The Office Action further stated:

b. "Paragraph 22, line 9, 'carper' should be changed to 'carpet'."

10

Applicants have corrected this obvious clerical error by correcting the spelling of the word "carpet," with a replacement paragraph.

15 Hence, it is respectfully submitted that paragraph 22 of the disclosure no longer contains objectionable subject.

Accordingly, it is respectfully requested that the objection to the paragraph 22 of the disclosure be withdrawn.

20 **Objection to Claims:**

The claims 4, 5, 10, 11, 14, and 17 are objected to by the Office Action because of informalities.

Applicant has corrected informalities related to the claims by amending them.

25

The amendments merely remove or add the language to overcome objections of any informalities with respect to the claims. No new subject matter has been added by this amendment.

Hence, it is respectfully submitted that claims 4, 5, 10, 11, 14, and 17 no longer contain objectionable language.

Accordingly, it is respectfully requested that the objection of claims 4, 5, 10, 11,
5 14, and 17 be withdrawn.

Rejection of Claims under 35 U.S.C. §103:

The Office Action stated on page 3, paragraph 6 that “In considering patentability of the claims under 35 U.S.C. §103(a), the examiner presumes that the subject matter of
10 the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.”

The Examiner is correct in assuming that the subject matter of the various claims was commonly owned. In fact, with any of the amendments filed so far, the deletions of
15 any claims and the additions of any new claims do not affect the inventorship of the application.

The Office Action rejected claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg in view of U.S. Patent 4,425,981 to
20 Kiesewetter et al (hereinafter “Kiesewetter”).

CLAIM 1:

Applicant respectfully traverses the rejection, the interpretation, and the modification of the references. As stated in MPEP 706.02(j), to establish a *prima facie*
25 case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all

the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, in view of the below remarks, it is respectfully submitted that a *prima facie*
5 case of obviousness has not been established by the Office Action as the prior art references (individually or in any manner combined) lack, and do not disclose, teach, or suggest (implied or otherwise) the claimed limitations.

The Office Action has recited most of the language of claims 1 to 3 in verbatim,
10 with parenthetical or bracketed insertion of various sections (elements, columns, lines, figures, and etc.) from the Berg and Kieseewetter references, the combinations of which is purported to disclose the claimed limitations. The Office Action has correctly acknowledged the lack of the claimed limitation of "*a flat-plate-shaped bridge portion connecting neighboring load supporting portions*," in Berg. The Office Action has relied
15 on the Kieseewetter reference, and used the teachings from this reference to modify Berg to meet this claimed limitation. However, it is respectfully submitted Berg lacks much more than that which the Office Action has correctly acknowledged as lacking in Berg.

Berg discloses a floor mat for preventing the heat of the floor board of an
20 automobile from reaching the feet of an occupant. Berg lacks, and does not disclose, teach, or suggest (implied or otherwise) the claimed invention of an impact absorbing body. A primary thrust of the Berg reference is prevention of the transmission of heat from the floor board to the feet of the occupants of the front seat. A secondary thrust of the Berg reference is the use of a novel flexible floor mat that would also fit on any
25 inclined floor board of an automobile, regardless of the angle of inclination between the horizontal and the oblique portions thereof. There is no disclosure, teaching, or suggestion (implied or otherwise) of anything that is remotely related to impact absorbing device.

The floor mat of Berg is comprised of an outer covering fabric 5 in the form of a bag that encloses spaced slabs 6 that are comprised of asbestos fibers or other materials that are poor conductors of heat, none of which can absorb any reasonable amount of tangible impact. The bag 5 includes an intermediate portion (at stitching 7 or hinge connection 16) that serves as a hinge to enable the ready swinging of one portion of the floor mat relative to the other, which enables the smaller portion (the front) to assume any desired angle relatively to the large portion (the back). This permits the smaller portion (front) to lie upon variously included oblique portions 8 of the floor board 9 of the automobile. The stitching 7 or the hinge connection 16 are intentionally made so that they can move so to allow the relative movement of the front and the back portions of the floor mat. Hence, they cannot absorb any type of impact. Further, the only single "groove" of the so-called "V" formation caused by the stitching 7 is faced down towards the floor of the vehicle when in use, which is opposite of that which is claimed by the present invention.

Regarding the corrugated metal spacer members 12 or the reinforcing strips 10 (both of Berg), they are used to support (stiffen) the main body of the floor mat, which is very soft and cushiony. The material of the floor mat is so soft and cushiony that they can be squeezed together by hand and stitched at the stitch 7. Therefore, the corrugated metal spacer members 12 or the reinforcing strips 10 are used to stiffen the floor mat (only from its bottom side). As indicated above, the main body of the floor mat is comprised of an outer covering fabric 5 in the form of a bag that encloses spaced slabs 6 that are comprised of asbestos fibers, all of which will easily collapse and be squeezed by hand, and even more so under the weight of the feet resting thereon. The corrugated metal spacer members 12 or the reinforcing strips 10 are merely used to stiffen the soft and cushiony material of the floor mat from its bottom side in order to prevent the squeezed cushion from contacting the floor of the vehicle for ventilation, thereby prevent transfer of heat from the floor of the vehicle to users feet. It should be noted that the corrugated metal spacer members 12 or the reinforcing strips 10 are only coupled to one

side of the floor mat, the bottom side facing the floor board and the oblique portion thereof. The other side (upper side facing the cabin of the vehicle) has no support. The reason for the use of one set of corrugated metal spacer members 12 or the reinforcing strips 10 on one side of the floor mat rather than both sides thereof is to allow spacing
5 between the floor mat and the floor board for ventilation, which prevents the transfer of heat of the floor board into the floor mat (especially when it is squeezed by the weight of the feet when resting thereon). As indicated in Berg (commencing on second page, column 1, lines 25), raised fastens are also used to prevent contact, even between the corrugated metal spacer members 12 or the reinforcing strips 10 and the floor board, and
10 to provide further ventilation. Therefore, Berg is only fully concerned with heat transfer. Hence, it is clear that the entire thrust of the Berg reference is to prevent the heat of the floor board of an automobile from reaching the feet of a user, and nothing more.

It should be noted that corrugated metal spacer members 12 or the reinforcing
15 strips 10 of Berg are not taught nor were intended to have been used as impact absorbing body or load supporting portions, but are used to stiffen the cushiony floor mat of Berg from contacting the floor of the vehicle for ventilation. Clearly, Applicant respectfully submits that Berg is not related to an impact absorbing body, and in fact, teaches the opposite by providing a floor mat that is flexible, soft and cushiony (for
20 comfort not safety) with heat absorbing properties with no reasonably means for absorbing any impact. Therefore, Berg lacks, and does not disclose, teach, or suggest (implied or otherwise) the claimed limitation of "*An impact absorbing body...*" that is "*... disposed below feet of an occupant of an automobile as interposed between a body panel and a floor covering laid apart from the body panel toward a cabin.*"

25 The newly amended claim 1 recites, *inter alia*,

"a plurality of load supporting portions having V-lettered cross-sections forming grooves arranged parallel to a face facing toward the cabin of said body panel;"

Berg lacks, and does not disclose, teach, or suggest (implied or otherwise) the claimed limitation of “*a plurality of load supporting portions having V-lettered cross-sections forming grooves arranged parallel to a face facing toward the cabin of said body pane.*” The corrugated metal spacer members 12 or the reinforcing strips 10 (both
5 of Berg) do not have V-lettered cross-sections, and do not form grooves, and are not arranged parallel to a face facing towards the cabin of the body panel. None of the above recited limitations can be found in Berg. The Office Action has interpreted the corrugated metal spacer member 12 of Berg as the claimed impact absorbing body and the claimed plurality of load supporting portions. However, that is not disclosed, taught,
10 or suggested (implied or otherwise) by Berg. Of course, even if interpreted as such, the corrugated metal spacer member 12 of Berg lacks, and does not disclose, teach, or suggest (implied or otherwise) the claimed limitation of “... *V-lettered cross-sections forming grooves arranged parallel to a face facing toward the cabin of said body panel.*”

15 The newly amended claim 1 further recites, *inter alia*,
“*the load supporting portions disposed side by side along the face facing toward the cabin of said body panel*”

The corrugated metal spacer members 12 of Berg (as interpreted by the Office
20 Action as the claimed load supporting positions) are not “*disposed side by side along the face facing toward the cabin of said body panel*” as required by the claimed limitation, but are located underneath the floor mat facing the body panel itself and not the cabin. Again, the corrugated metal spacer members 12 of Berg are not taught nor intended to have been used as impact absorbing body or load supporting portions, but are used to
25 merely provide a spacing between the floor mat and the vehicle floor for ventilation. Therefore, Berg lacks, and does not disclose, teach, or suggest (implied or otherwise) the claimed limitation of “*the load supporting portions disposed side by side along the face facing toward the cabin of said body panel.*”

The newly amended claim 1 further recites, inter alia,
“a flat-plate-shaped bridge portion connecting neighboring load supporting portions;”

5 The Office Action has correctly acknowledged the lack of the claimed limitation of *“a flat-plate-shaped bridge portion connecting neighboring load supporting portions.”* The Office Action has relied on the Kieseewetter reference, and used the teachings from this reference to modify Berg to meet this claimed limitation.

10 Kieseewetter discloses a sound absorbing building component of synthetic resin sheeting comprised of a plurality of cup-shaped protuberances 2 that are aligned on a plane sheet 3. The sides of the cup-shaped protuberances 2 on the plane sheet 3 create a cross-sectional view with topography comprised of indentations in a syncline format with a width w at the base of the syncline. The sound absorbing building component is
15 coupled to a wall 7 with cup-shaped protuberances away from the wall surface, opposite thereof, facing the incidence sound (FIG. 3).

 The Office Action has interpreted the cross-sectional view of the sound absorbing building component as meeting the claimed limitation of *“a plurality of load supporting*
20 *portions having V-lettered cross-sections forming grooves arranged parallel to a face facing toward the cabin of said body panel.”* The Office Action has further interpreted the protuberances 2 of Kieseewetter as the claimed *“flat-plate-shaped bridge portion connecting neighboring load supporting portions.”* The Office Action further stated that Berg and Kieseewetter et al. are analogous art because “they are from the same field of the
25 endeavor, that is the absorption of unwanted waves of energy, whether it is the absorption of heat and impact energy in the floor mat of Berg or the sound absorption in the mat material of Kieseewetter.”

It is respectfully submitted that Kieseewetter lacks, and does not disclose, teach, or suggest (implied or otherwise) the claimed limitation of “*a plurality of load supporting portions having V-lettered cross-sections forming grooves.*” There is no load to support in Kieseewetter. The entire thrust of the Kieseewetter reference is related to a sound
5 absorbing building component, and not load supporting. The claimed limitation is not merely about “*V-lettered cross-sections forming grooves,*” but is related to “*a plurality of load supporting portions having ...*” a specific structure, which are “*V-lettered cross-sections forming grooves.*” Therefore, the correlation of the claimed “*V-lettered cross-sections forming grooves...*” with that of Kieseewetter should include the claimed
10 limitation of “*a plurality of load supporting portions,*” which Kieseewetter lacks, and does not disclose, teach, or suggest (implied or otherwise).

The Office Action further stated that Berg and Kieseewetter are analogous art because they are related to absorption of unwanted energy (whether heat or sound).
15 Clearly, it is very respectfully submitted that heat and sound are not analogous forms of energy. It is further respectfully submitted that Berg and Kieseewetter are from a completely different technical fields. Berg is related to absorption of heat within a cabin of a car, with the heat generated from an engine of a vehicle. Kieseewetter is related to a building component for absorption of sound. Further, both references are from a very
20 different technical field than that of the present invention, which relates to absorption of impact. It is respectfully submitted that Berg, Kieseewetter, and the present invention are all non-analogous arts.

Applicant acknowledges that energy is manifested in different formats such as
25 sound, heat, motion, and so on. However, the present invention is not related to a general control or management of universal energy (that may be represented by the Einstein’s formula of $E = MC^2$), where all mass have energy and all energy have mass and the claims relate to anything that has a mass and therefore all forms of energy (including

sound, heat, and so on). The present invention is specifically related to an impact absorbing device, and not to sound or heat.

MPEP 2100 states that "In order to rely on a reference as a basis for rejection of
5 an applicant's invention, the reference must either be in the field of applicant's endeavor
or, if not, then be reasonably pertinent to the particular problem with which the inventor
was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir.
1992)." None of the references cited against claim 1 are in the field of applicant's
endeavor of impact absorbing body. Berg is strictly related to heat absorption;

10 Kiesewetter is specifically related to sound absorption. Further, the problem solved by
the present invention is absorption of impact, and not heat nor sound, and the
combination of the cited references would solve problems with respect to heat and sound,
but not impact absorption. Accordingly, the cited references are not reasonably pertinent
to the particular problem (impact absorption) with which the inventor is concerned.

15 Therefore, a person of ordinary skill, seeking to solve a problem related to impact
absorbing body, would not reasonably be expected or motivated to look to sound or heat
absorption. Accordingly, each reference (Berg and or Kiesewetter) is complete and
functional in itself (one related to absorption of heat and the other to sound), so there
would be no reason to use parts from, add, or substitute parts to any reference.

20 Further, it is respectfully submitted that the fact, that two references are from the
same field or problem solving area, is not sufficient motivation to combine two
references. Instead, the teaching or suggestion to make the claimed combination must be
found in the references themselves. Applicants are unaware where in either the Berg
25 patent or the Kiesewetter document it is taught, disclosed, or suggested to modify the
teachings of the Berg patent with the teachings of the Kiesewetter patent to include the
protuberances of Kiesewetter, in order to provide the Berg patent with sound proof
qualities. The Applicants respectfully request that the Office Action to indicate where, in
the prior art, is the motivation found to combine the references.

The Office Action further stated "it would have been obvious ...to modify the impact absorbing body of Berg, to employ V-lettered shaped grooves connected with the flat bridges...to allow the impact absorbing body also have sound absorbing properties..."

It is respectfully submitted that even if somehow the references were combined as suggested by the Office Action (and not at all by the references themselves), the combined references would not meet the claimed limitations. Kieseewetter teaches the use of the protuberances 2 facing the incidence of sound (or energy as the Office Action has interpreted). That is, the synclines created by the spacing between the sides of the aligned protuberances face the incidence of sound. On the other hand, the claimed limitation of claim 1 requires that "*a plurality of load supporting portions having V-lettered cross-sections forming grooves arranged parallel to a face facing toward the cabin of said body panel.*" The impact absorbing body of the present invention absorbs impact coming from the floor of the vehicle, and therefore, places the strongest section of the load supporting portion (the base portion of the "V") facing the body panel. The grooves face the cabin (as claimed). The Kieseewetter reference teaches the use of the protuberances 2 (and the synclines created as a result of the alignment of the protuberances, viewed from a cross-section) facing the sound energy to absorb incidence of sound. Hence, the synclines of Kieseewetter face the sound energy to absorb it, whereas base portion of the "V" and not the grooves of the present invention face floor to oppose the direction of impact. Therefore, if Kieseewetter is used to somehow modify Berg to somehow reduce the sound inside the cabin of a vehicle as suggested only by the Office Action and not at all by any of the references, then the sound absorbing building component of Kieseewetter must face the body panel or the floor of the vehicle because that is the location of the incidence of sound, which makes the orientation of the Kieseewetter synclines opposite to that of the claimed grooves of the present invention. Clearly, the prior art references do not contain any suggestion that they be combined, or

that they be combined in the manner suggested by the Office Action. As sated above, even if somehow combined, the teaching would not meet the claimed limitations of claim 1.

5 The newly amended claim 1 further recites, inter alia,
 *“the impact absorbing body made from a material obtained by foaming a
 synthetic resin material;
 each of the load supporting portion having a thickness of 6 – 15 mm; and
 the flat-plate-shaped bridge portion having a thickness of 3 – 15 mm.”*

10

 It is respectfully submitted that Berg, Kiesewetter, and Berg in view of
Kiesewetter lack, and do not disclose, teach, or suggest (implied or otherwise) the above
recited claimed limitations.

15 In Kiesewetter, the sheet with which the Cup-shaped indentations are made is a
polyethylene sheet of 0.1 mm thickness (col.7, lines 58-60). Kiesewetter does not
disclose, teach, or suggest a sheet having a thickness of 3 - 15 mm.

 Further, Kitagawa does not disclose, teach, or suggest (implied or otherwise) load
20 supporting portions having V-lettered cross sections forming grooves and a flat-plate-
shaped bridge portion.

 Three references of Berg, Kiesewetter and Kitagawa lack disclosure of “each of
the load supporting portion having a thickness of 6 - 15 mm and the flat-plate-shaped
25 bridge portion having a thickness of 3 - 15 mm.”

 In order to provide an impact absorbing body with a good impact absorbing
performance, it is also important that "a plurality of load supporting portions has V-

lettered cross-sections forming grooves arranged parallel to a face facing toward the cabin of said body panel" beside the claimed material and the claimed thickness.

FIG. 5 shows results of responsive load against compressive displacement
5 developed on a simulation model of a bottom part of lower leg (heel) by using the impact absorbing body.

FIG. 4 and paragraph 31 show that the impact absorbing body hardly producing buckling or collapse of the leg portions and constantly exhibiting the same manner of
10 deformation are preferable.

Further, FIG. 5 shows a graph of a good impact absorbing performance as indicated by the continuous line, paragraph 5 shows the good impact absorbing performance.
15

While the displacement length was relatively smaller, the responsive load rose steeply as the displacement length was increased, and thereafter a flat region lasted long while the responsive load did not rise.

20 Under such conditions, the impact energy is adequately absorbed at the time when the collision occurred and, hence, the claimed impact absorbing body has a good impact absorbing performance.

Namely, an impact absorbing body which has the plurality of load supporting
25 portions is provided with the good impact absorbing performance.

In view of the all of the arguments above, the Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 U.S.C. §103 because neither Berg nor

Kiesewetter nor Berg in view of Kiesewetter render as obvious the claimed limitations for the aforementioned reasons.

Hence, the Applicants respectfully submits that claim 1 is allowable over the cited
5 references and solicit reconsideration and allowance of this claim.

CLAIMS 2 and 3:

Claims 2 and 3 are dependent claims and depend from the independent claim 1. Since claims 2 and 3 depend from the claim 1 and incorporate all of its limitations, they
10 are patentable for the same reasons given with respect to claim 1 and include additional limitations, which further distinguish them from the reference cited. Therefore, Applicants respectfully submit that claims 2 and 3 are also allowable over the cited references and solicit reconsideration and allowance of these claims.

15 **CLAIM 4:**

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as modified as applied to claim 1 above), and further in view of obvious common knowledge.

20 Regarding claim 4, the Office Action correctly acknowledged that Berg as modified does not disclose “*The impact absorbing body according to claim 1, configured such that, when energy absorbed thereby when compressed in thickness direction is 30 J, the generated responsive load is less than 3.0 kN.*”

25 However, it is respectfully submitted that the Office Action incorrectly states:

“It would have been obviousto ensure proper energy absorption properties, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.”

In view of the above remarks in relation to Berg, and Berg modified in view of
Kiesewetter, it is respectfully submitted that Berg as modified lacks, and does not
disclose, teach, or suggest (implied or otherwise) any of the claim 1 and claim 4
5 limitations.

In fact, in accordance with the teachings of Berg and Kiesewetter, and the
suggested combination by the Office Action (not from any reference), and the suggested
motivation to combine by the Office Action (not from any of the references), the
10 hypothetically combined teachings of both references (or the modified Berg) would
merely provide a heat absorbing and sound absorbing floor mat, and not impact absorbing.
Berg absorbs heat; Kiesewetter absorbs sound; the claimed invention absorbs mechanical
impact with specifically claimed limitations with respect to thickness of the impact
absorbing body and the load response. The so-called routing experimentation or routine
15 skill for these three completely separate fields of invention does not overlap. Routing
experimentations for heat, sound, and impact absorption require different laboratory
settings, equipment, and knowledge skill. Engineering know how for management of
heat, sound, and impact absorption are separate fields of study and specialty that do not
overlap.

20

Again, Applicant acknowledges that energy is manifested in different formats
such as sound, heat, motion, and so on. However, the present invention is not related to a
general control or management of universal energy (represented by the Einstein's
formula of $E = MC^2$), where all mass have energy and all energy have mass and the
25 claims relate to anything that has a mass and therefore all forms of energy (including
sound, heat, and so on). The present invention is specifically related to an impact
absorbing device, and not to sound or heat.

Nonetheless, in order to meet the claimed limitations of claim 4, which is lacked by both Berg and Kieseewetter references, the Office Action takes Official Notice (as relying on "obvious common knowledge") and combines it with the Berg and Kieseewetter to further modify the Berg reference.

5

Applicant **strongly** traverse the assertions made by the Official Notice in the Office Action, and respectfully demands evidence from the Office to cite a reference, which antedates the effective filing date of the present application, and that supports such a position with respect to the actual language of the claim of the present invention, in the next non-Final Office Action. MPEP 2144.03.

10

Accordingly, as required by MPEP 2144.03, the evidence from the Office must show as common knowledge the following Official Notice assertions:

- that optimum value for determining thickness and load response for impact absorption involves routing skill in the art
- that energy absorption in the impact absorbing body's thickness direction is 30 j
- that the generated responsive load is less than 3.0 kN.

15

Furthermore, as required by the MPEP 2144.03, if such assertions by the Official Notice in the Office Action is based on facts within the personal knowledge of the Examiner, it is respectfully requested that an affidavit from the Examiner be provided to Applicant, stating specifically the facts that support such assertions that show as common knowledge the following Official Notice assertions, which are used to reject the claims:

20

- that optimum value for determining thickness and load response for impact absorption involves routing skill in the art
- that energy absorption in the impact absorbing body's thickness direction is 30 j
- that the generated responsive load is less than 3.0 kN.

25

It should be noted that the technology taught by the present application and claimed, is highly technical, related to calculation of absorption of impact, requiring highly skilled technical personnel, and therefore a true esoteric technology. The MPEP 2144.03 states that "Assertions of technical facts in areas of esoteric technology must
5 **always** be supported by citation of some reference work" and "allegations concerning specific 'knowledge' of the prior art, which might be peculiar to a particular art **should be supported.**" (Emphasis added.) Hence, Applicant respectfully requests that the Examiner provide a citation of reference work that supports the specific technical assertions made in the Office Action, and that specifically proves that those assertions are
10 indeed as "common knowledge" of the prior art. Please see the list of above assertions.

Title 37 CFR 1.104(d)(2) specifically states:

"When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible,
15 and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons."

It is respectfully submitted that Berg, Kiesewetter, and Berg in view of
20 Kiesewetter and the modified Berg in view of obvious common knowledge lack, and do not disclose, teach, or suggest (implied or otherwise) the above recited claimed limitations.

In view of the arguments above, the Applicant respectfully requests withdrawal of
25 the rejection of claim 4 under 35 USC 103 because neither Berg nor Kiesewetter nor Berg in view of Kiesewetter nor the combination in view of the obvious common knowledge render as obvious the claimed limitations for the aforementioned reasons.

Hence, the Applicants respectfully submits that claim 4 is allowable over the cited references and solicit reconsideration and allowance of this claim.

Further, claim 4 is a dependent claims and depends from the independent claim 1.

5 Since claim 4 depends from the claim 1 and incorporate all of its limitations, it is patentable for the same reason given with respect to claim 1 and includes additional limitations, which further distinguishes it from the reference cited. Therefore, Applicants respectfully submit that claim 4 is also allowable over the cited references and solicit reconsideration and allowance of these claims.

10

CLAIM 5:

Claim 5 has been canceled without prejudice to applicant's rights or creation of an estoppel in preventing Applicant from arguing allowability of the canceled claim in the future, including in further off-spring applications. The limitations of claim 5 are
15 incorporated into claim 1.

CLAIMS 6 to 8:

Claims 6-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as twice modified, as applied to claim 5 above), and further in
20 view of obvious common knowledge.

Claim 6 has been canceled without prejudice to applicant's rights or creation of an estoppel in preventing Applicant from arguing allowability of the canceled claim in the future, including in further off-spring applications. The limitations of claim 6 are
25 incorporated into claim 1.

In order to meet the claimed limitations of claim 4, which is lacked by Berg (twice modified), the Office Action takes Official Notice (as relying on "obvious

common knowledge”) and combines it with the Berg and Kieseewetter to further modify the Berg reference.

Applicant **strongly** traverse the assertions made by the Official Notice in the Office Action, and respectfully demands evidence from the Office to cite a reference, which antedates the effective filing date of the present application, and that supports such a position with respect to the actual language of the claim of the present invention, in the next non-Final Office Action. MPEP 2144.03.

Accordingly, as required by MPEP 2144.03, the evidence from the Office must show as common knowledge the following Official Notice assertions:

- that optimum values for determining load support portion, bridge portion thickness, length of the lower face of the bridges, and the angle of the grooves for impact absorption involves route skill in the art
- that determining load supporting portion having 6 to 15 mm involves route skill in the art
- that determining bridge portions having a thickness of 3 to 15 mm involves route skill in the art
- that determining lower face of the bridges having a length of 20 to 50 mm involves route skill in the art
- that determining the angle of the groove being 5 to 60 degrees involves route skill in the art

Furthermore, as required by the MPEP 2144.03, if such assertions by the Official Notice in the Office Action is based on facts within the personal knowledge of the Examiner, it is respectfully requested that an affidavit from the Examiner be provided to Applicant, stating specifically the facts that support such assertions that show as common knowledge the following Official Notice assertions, which are used to reject the claims:

- that optimum values for determining load support portion, bridge portion thickness, length of the lower face of the bridges, and the angle of the grooves for impact absorption involves route skill in the art
- that determining load supporting portion having 6 to 15 mm involves route skill in the art
- that determining bridge portions having a thickness of 3 to 15 mm involves route skill in the art
- that determining lower face of the bridges having a length of 20 to 50 mm involves route skill in the art
- that determining the angle of the groove being 5 to 60 degrees involves route skill in the art

It should be noted that the technology taught by the present application and claimed, is highly technical, related to calculation of absorption of impact, requiring highly skilled technical personnel, and therefore a true esoteric technology. The MPEP 2144.03 states that "Assertions of technical facts in areas of esoteric technology must **always** be supported by citation of some reference work" and "allegations concerning specific 'knowledge' of the prior art, which might be peculiar to a particular art **should be supported.**" (Emphasis added.) Hence, Applicant respectfully requests that the Examiner provide a citation of reference work that supports the specific technical assertions made in the Office Action, and that specifically proves that those assertions are indeed as "common knowledge" of the prior art. Please see the list of above assertions.

Title 37 CFR 1.104(d)(2) specifically states:

- "When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons."

It is respectfully submitted that Berg (twice modified) in view of obvious common knowledge lacks, and does not disclose, teach, or suggest (implied or otherwise) the above recited claimed limitations.

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In view of the arguments above, the Applicant respectfully requests withdrawal of the rejection of claims 7 to 8 under 35 U.S.C. §103 because neither Berg nor any combination of Berg with other references cited in view of the obvious common knowledge render as obvious the claimed limitations for the aforementioned reasons.

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Hence, the Applicants respectfully submits that claims 7 to 8 are allowable over the cited references and solicit reconsideration and allowance of this claim.

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Further, claims 7 to 8 are a dependent claims and depend from the independent claim 1. Since claims 7 to 8 depend from the claim 1 and incorporate all of its limitations, they are patentable for the same reason given with respect to claim 1 and includes additional limitations, which further distinguishes them from the reference cited. Therefore, Applicants respectfully submit that claims 7 to 8 are also allowable over the cited references and solicit reconsideration and allowance of these claims.

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CLAIM 9:

Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as modified as applied to claim 1 above), and further in view of Japan Patent JP 62-184947 to Eiji.

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Claim 9 recites:

“The impact absorbing body according to claim 1, wherein said bridge portion is provided therein with a plurality of through holes having a diameter of 5 - 10 mm.”

The Office Action acknowledges that Berg as modified does not disclose the claimed limitation. The Office Action relies on Eiji for the teachings to meet the claimed limitation of claim 9. The Office Action states, "Eiji discloses an impact absorbing body
5 having a plurality of sound absorbing holes." Applicants are unaware where in any of the patents used to reject claim 9 (or any combinations thereof), and in particular Eiji, an impact absorbing body is disclosed. The Applicants respectfully request that the Examiner indicate where, in the Eiji reference, the Examiner has found that Eiji discloses an impact absorbing body.

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It is respectfully submitted that Berg (twice modified) lacks, and does not disclose, teach, or suggest (implied or otherwise) the above recited claimed limitations.

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In view of the arguments above, the Applicant respectfully requests withdrawal of the rejection of claim 9 under 35 U.S.C. §103 because neither Berg nor any combination of Berg with other references cited render as obvious the claimed limitations for the aforementioned reasons.

20

Hence, the Applicants respectfully submits that claim 9 is allowable over the cited references and solicit reconsideration and allowance of this claim.

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Further, claim 9 is a dependent claim and depend from the independent claim 1. Since claim 9 depends from the claim 1 and incorporate all of its limitations, it is patentable for the same reason given with respect to claim 1 and includes additional
limitations, which further distinguishes it from the reference cited. Therefore, Applicants respectfully submit that claim 9 is also allowable over the cited references and solicit reconsideration and allowance of these claims.

CLAIMS 10 to 13:

Claims 10-13 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as modified as applied to claim 1 above), and further in view of U.S. Patent Application Publication 2002/0182399 A1 to Tokoro et al (hereinafter "Tokoro").

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The Office Action acknowledges that Berg as modified does not disclose the claimed limitations of claim 10 to 13. The Office Action relies on Tokoro for the teachings to meet the claimed limitation of claims 10 to 13.

10

It is very respectfully submitted that heat and sound are not analogous forms of energy. It is further respectfully submitted that the references are from a completely different technical fields. Berg is related to absorption of heat within a cabin of a car, with the heat generated from an engine of a vehicle. Kiesewetter is related to a building component for absorption of sound, and Tokoro is concerned with sound. Further, all references are from a very different technical field than that of the present invention. It is respectfully submitted that none of the cited references and the present invention are within analogous arts.

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MPEP 2100 states that "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992)." None of the references cited against claims 10 to 13 are in the field of applicant's endeavor of impact absorbing body. Berg is strictly related to heat absorption; Kiesewetter and Tokoro are specifically related to sound absorption. Further, the problem solved by the present invention is absorption of impact, and not heat nor sound, and the combination of the cited references would solve problems with respect to heat and sound, but not impact absorption. Accordingly, the cited references are not reasonably pertinent to the particular problem (impact absorption) with which the

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inventor is concerned. Therefore, a person of ordinary skill, seeking to solve a problem related to impact absorbing body, would not reasonably be expected or motivated to look to sound or heat absorption. Accordingly, each reference (Berg, Kieseewetter, and or Tokoro) is complete and functional in itself (one related to absorption of heat and the
5 others to sound), so there would be no reason to use parts from, add, or substitute parts to any reference.

Further, it is respectfully submitted that the fact, that two or more references are from the same field or problem solving area, is not sufficient motivation to combine all
10 references. Instead, the teaching or suggestion to make the claimed combination must be found in the references themselves. The Applicants respectfully request that the Office Action to indicate where, in the prior art, is the motivation found to combine the references.

15 It is respectfully submitted that Berg (as modified) in view of Tokoro lacks, and does not disclose, teach, or suggest (implied or otherwise) the above recited claimed limitations of claims 10 to 13.

In view of the arguments above, the Applicant respectfully requests withdrawal of
20 the rejection of claims 10 to 13 under 35 U.S.C. §103 because none of the references (individually or in any combination) render as obvious the claimed limitations for the aforementioned reasons.

Hence, the Applicants respectfully submits that claims 10 to 13 are allowable over
25 the cited references and solicit reconsideration and allowance of this claim.

Further, claims 10 to 13 depend from the independent claim 1. Since claims 10 to 13 depend from the claim 1 and incorporate all of its limitations, they are patentable for the same reason given with respect to claim 1 and includes additional limitations, which

further distinguishes them from the reference cited. Therefore, Applicants respectfully submit that claims 10 to 13 are also allowable over the cited references and solicit reconsideration and allowance of these claims.

5 **CLAIMS 14 and 15:**

Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as twice modified as applied to claim 10 above), and further in view of obvious common knowledge.

10 In order to meet the claimed limitations of claims 14 and 15, which is lacked by Berg (twice modified as applied to claim 10), the Office Action takes Official Notice (as relying on “obvious common knowledge”) and combines it with the Berg (as twice modified).

15 Applicant **strongly** traverse the assertions made by the Official Notice in the Office Action, and respectfully demands evidence from the Office to cite a reference, which antedates the effective filing date of the present application, and that supports such a position with respect to the actual language of the claim of the present invention, in the next non-Final Office Action. MPEP 2144.03.

20

Accordingly, as required by MPEP 2144.03, the evidence from the Office must show as common knowledge the following Official Notice assertions:

- that optimum values for determining air permeability and laminate with a specific air permeability for impact absorption involves route skill in the art
- 25 • that determining air permeability of 2.0 cc/cm²/sec for an impact absorbing body involves route skill in the art
- that determining laminate having a permeability greater than 0 cc/cm²/sec for an impact absorbing body involves route skill in the art

Furthermore, as required by the MPEP 2144.03, if such assertions by the Official Notice in the Office Action is based on facts within the personal knowledge of the Examiner, it is respectfully requested that an affidavit from the Examiner be provided to Applicant, stating specifically the facts that support such assertions that show as common
5 knowledge the following Official Notice assertions, which are used to reject the claims:

- that optimum values for determining air permeability and laminate with a specific air permeability for impact absorption involves route skill in the art
- that determining air permeability of 2.0 cc/cm²/sec for an impact absorbing body involves route skill in the art
- 10 • that determining laminate having a permeability greater than 0 cc/cm²/sec for an impact absorbing body involves route skill in the art

It should be noted that the technology taught by the present application and claimed, is highly technical, related to calculation of absorption of impact, requiring
15 highly skilled technical personnel, and therefore a true esoteric technology. The MPEP 2144.03 states that "Assertions of technical facts in areas of esoteric technology must **always** be supported by citation of some reference work" and "allegations concerning specific 'knowledge' of the prior art, which might be peculiar to a particular art **should be supported.**" (Emphasis added.) Hence, Applicant respectfully requests that the
20 Examiner provide a citation of reference work that supports the specific technical assertions made in the Office Action, and that specifically proves that those assertions are indeed as "common knowledge" of the prior art. Please see the list of above assertions.

Title 37 CFR 1.104(d)(2) specifically states:

- 25 "When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons."

It is respectfully submitted that Berg (twice modified) in view of obvious common knowledge lacks, and does not disclose, teach, or suggest (implied or otherwise) the above recited claimed limitations.

5

In view of the arguments above, the Applicant respectfully requests withdrawal of the rejection of claims 14 and 15 under 35 U.S.C. §103 because neither Berg nor any combination of Berg with other references cited in view of the obvious common knowledge render as obvious the claimed limitations for the aforementioned reasons.

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Hence, the Applicants respectfully submits that claims 14 and 15 are allowable over the cited references and solicit reconsideration and allowance of this claim.

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Further, claims 14 and 15 are a dependent claims and depend from the independent claim 1. Since claims 14 and 15 depend from the claim 1 and incorporate all of its limitations, they are patentable for the same reason given with respect to claim 1 and includes additional limitations, which further distinguishes them from the reference cited. Therefore, Applicants respectfully submit that claims 14 and 15 are also allowable over the cited references and solicit reconsideration and allowance of these claims.

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CLAIM 16:

Claims 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as twice modified as applied to claim 10 above), and further in view of U.S. Patent 2,709,105 to Kramer.

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MPEP 2100 states that "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir.

1992).” None of the references cited against claims 10 to 13 are in the field of applicant’s endeavor of impact absorbing body. Berg is strictly related to heat absorption; Kiesewetter, Tokoro and Kramer are specifically related to sound absorption. Further, the problem solved by the present invention is absorption of impact, and not heat
5 nor sound, and the combination of the cited references would solve problems with respect to heat and sound, but not impact absorption. Accordingly, the cited references are not reasonably pertinent to the particular problem (impact absorption) with which the inventor is concerned. Therefore, a person of ordinary skill, seeking to solve a problem related to impact absorbing body, would not reasonably be expected or motivated to look
10 to sound or heat absorption. Accordingly, each reference (Berg, Kiesewetter, Tokoro, and or Kramer) is complete and functional in itself (one related to absorption of heat and the others to sound), so there would be no reason to use parts from, add, or substitute parts to any reference.

15 Further, it is respectfully submitted that the fact, that the references are from the same field or problem solving area, is not sufficient motivation to combine all references. Instead, the teaching or suggestion to make the claimed combination must be found in the references themselves. The Applicants respectfully request that the Office Action to indicate where, in the prior art, is the motivation found to combine the references.

20 It is respectfully submitted that Berg (as twice modified) in view of Kramer lacks, and does not disclose, teach, or suggest (implied or otherwise) the above recited claimed limitations of claim 16.

25 In view of the arguments above, the Applicant respectfully requests withdrawal of the rejection of claim 16 under 35 U.S.C. §103 because none of the references (individually or in any combination) render as obvious the claimed limitations for the aforementioned reasons.

Hence, the Applicants respectfully submits that claim 16 is allowable over the cited references and solicit reconsideration and allowance of this claim.

Further, claim 16 depends from the independent claim 1. Since claim 16 depends from the claim 1 and incorporate all of its limitations, it is patentable for the same reason given with respect to claim 1 and includes additional limitations, which further distinguishes it from the reference cited. Therefore, Applicants respectfully submit that claim 16 is also allowable over the cited references and solicit reconsideration and allowance of these claims.

CLAIM 17:

Claims 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,736,572 to Berg (as twice modified as applied to claim 10 above), and further in view of U.S. Patent 2,709,105 to Kramer and U.S. Patent 3,387,315 to Stata.

MPEP 2100 states that "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992)." None of the references cited against claims 10 to 13 are in the field of applicant's endeavor of impact absorbing body. Berg is strictly related to heat absorption; Kiesewetter, Tokoro, Kramer, Sata are specifically related to sound absorption. Further, the problem solved by the present invention is absorption of impact, and not heat nor sound, and the combination of the cited references would solve problems with respect to heat and sound, but not impact absorption. Accordingly, the cited references are not reasonably pertinent to the particular problem (impact absorption) with which the inventor is concerned. Therefore, a person of ordinary skill, seeking to solve a problem related to impact absorbing body, would not reasonably be expected or motivated to look to sound or heat absorption. Accordingly, each reference (Berg,

Kiesewetter, Tokoro, Kramer, and or Sata) is complete and functional in itself (one related to absorption of heat and the others to sound), so there would be no reason to use parts from, add, or substitute parts to any reference.

5 Further, it is respectfully submitted that the fact, that the references are from the same field or problem solving area, is not sufficient motivation to combine all references. Instead, the teaching or suggestion to make the claimed combination must be found in the references themselves. The Applicants respectfully request that the Office Action to indicate where, in the prior art, is the motivation found to combine the references.

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 It is respectfully submitted that Berg (as twice modified) in view of Kramer and Sata lacks, and does not disclose, teach, or suggest (implied or otherwise) the above recited claimed limitations of claim 17.

15 In view of the arguments above, the Applicant respectfully requests withdrawal of the rejection of claim 17 under 35 U.S.C. §103 because none of the references (individually or in any combination) render as obvious the claimed limitations for the aforementioned reasons.

20 Hence, the Applicants respectfully submits that claim 17 is allowable over the cited references and solicit reconsideration and allowance of this claim.

 Further, claim 17 depends from the independent claim 1. Since claim 17 depends from the claim 1 and incorporate all of its limitations, it is patentable for the same reason
25 given with respect to claim 1 and includes additional limitations, which further distinguishes it from the reference cited. Therefore, Applicants respectfully submit that claim 16 is also allowable over the cited references and solicit reconsideration and allowance of these claims.

Prior art Made of Record and Not Relied upon:

Applicant has fully reviewed the prior art made of record and not relied upon, and believes that the prior art neither anticipates nor renders as obvious any of the Applicant's claims.

5

For all of the claims, it should be noted that the fact that a large number of references must be combined to meet the invention is evidence of unobviousness.

CONCLUSION

The Applicant respectfully submits that in light of the above amendment/remarks, all claims are now in allowable condition. The Applicant thus respectfully requests timely allowance of all of the pending claims.

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Any claim amendments that are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those on the art to clearly understand the scope of the claim language. Furthermore, any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes of any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

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Further, it should be noted that amendment(s) to any claim is intended to comply with the requirements of the Office Action so to elicit an early allowance, and is not intended to prejudice Applicant's rights or in any way to create an estoppel preventing Applicant from arguing allowability of the originally filed claim in further off-spring applications. Amendments may include cancellations of claims and/or the addition of new claims.

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In the event the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either Applicant or Applicant's representative would be beneficial the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to the attached credit card form. In particular, if this

response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to deposit account no.

- 5 502738 if a credit card form has not been included with this correspondence or if the credit card could not be charged.

Respectfully submitted,

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16 July 2007
Date

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